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APPLICATION NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/659,952	06/07/96	LUDWIG	L VCOR-001/09U

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EXAMINER
KIM, K
ART UNIT
PAPER NUMBER

2782

8

DATE MAILED: 01/21/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/7/96 and 6/11/97.

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 2-14 is/are pending in the application.
☐ Of the above, claim(s) _____ is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 2-14 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d):
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 495
☒ Interview Summary, PTO-413
☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

PTO-152

SEE OFF

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DETAILED ACTION

1. This Office Action is responsive to the Preliminary Amendment B filed June 7, 1996 and the Preliminary Amendment C filed June 11, 1997. As requested by the Amendment (B), claim 1 has been canceled, and claims 2-14 are added. Thus, claims 2-14 are currently pending in the application.

Information Disclosure Statement

An effort was made to consider all of the references cited by the Applicant in paper numbers 4 and 5. Although all of references were previously cited or submitted in the parent case, the parent case could not be obtained in light of the case being processed for publication. Examiner thanks the applicant for substantially complying to Examiner's request for assistance in providing all but a few of the references. All references that were available to the Examiner at the time of this action has been considered as indicated in the PTO-1449 forms. Examiner will consider and provide, in a supplemental action, initialed PTO-1449 form for the missing references as they become available (See PTO-1449, part of paper number 5, uninitiated publications on second page).

2. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Examiner believes that the claim should depend on claim 9 rather than claim 11 as the claim currently does.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vin** et al., "Multimedia Conferencing in the Etherphone Environment", 1991 (cited by the Applicant) in view of **Ahuja** et al., US Patent 5,471,318.

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As to claims 2 and 9, Vin teaches a teleconferencing system for conducting a teleconference among a plurality of participants (Title, Figure A) having workstations with associated monitors for displaying visual images (Fig A, Macaw monitor), and with associated AV capture and reproduction capabilities for capturing and reproducing Video images and spoken audio of the participants (Fig . A and page 70, right column, starting with " A user can establish..." to page 71, left column, line 2), the workstations being connected by a first network (Page 71, left column, line 16, "Larks digitize.....over an Ethernet".) Providing a data path for carrying digital data signals among the workstations (Fig. A, "data" connection), comprising:

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a call control means for controlling a connection between a workstation and a destination device, operable to generate at least one callhandle including a state indicator, wherein the states

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1 can be one of an idle state (page 77, left column, lines 11-13), an ringing state (Page 77, middle column, lines 4-8), an active state (Page 77, middle column, lines 14-22) or a hold state (middle column, lines 23-29).

Vin, while teaching Audio/Visual connections and also contemplates sharing of data (Page 71, right column, line 3 to Page 72, left column, line 14), does not explicitly teach a data path and
6 data conference manager separate from AV path and AV conference manager.

Ahuja teaches a multimedia teleconferencing network (See Title) in which there is provided a data conference manager (Fig. 2, #s 30 and 40), an AV path (Fig. 2, #s 70, 72, 74 and 76) and an AV conference manage (Fig. 2, #s 32, 34, 42 and 44).

As to claim 3, both Vin and Ahuja teach that there can be at least three participants (See
11 Ahuja, Fig. 6, showing 3 conferees, and Vin, Fig. 2, showing participants A1, A2 and A3 holding a conference C1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement separate managing means for AV and data as taught by Ahuja in the teleconferencing system taught by Vin in order to provide a convenient conferencing of various
16 conferees having different level of multimedia capabilities (See Ahuja, Col. 2, lines 9-11).

5. Claims 4-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vin et al. in view of **Palmer** et al., US Patent 5,608,653.

As to claims 4 and 11, Vin teaches the invention substantially as claimed as explained above in paragraph 3.

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1 Vin does not explicitly teach an incoming call handling mechanism for handling an attempt
by a third participant to join an existing conference between first and second participants, and a
call acceptance mechanism for adding the third participant to the conference.

Palmer teaches a teleconference system (See Title) where a mechanism is provided for
acknowledging and attempt by a third participant to join, and a mechanism to allow the third
6 participant to join the existing conference (See Figs 5A, 5B, and 5C, and Col. 9, lines 11-49).

As to claim 10, both Vin and Palmer teach that there can be at least three participants (See
Palmer, Figs 5A, 5B, and 5C, and Vin, Fig. 2, showing participants A1, A2 and A3 holding a
conference C1).

As to claims 5 and 12, Palmer further teaches that up to seven participants can be added in
11 a conference (Col. 2, lines 50-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was
made to incorporate the "joining" feature as taught by Palmer in the teleconferencing system
taught by Vin in order to allow conferees to freely join an existing conference.

6. Claims 6, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vin et
16 al. in view of Ahuja et al. as applied to claims 2 and 9 above, and further in view of Vin et al.
(**Vin2**), "Hierarchical Conferencing Architectures for Inter-Group Multimedia Collaboration",
1991 (cited by the Applicant).

Vin et al. in view of Ahuja et al teaches the invention substantially as claimed, as explained
above in connection with rejections of claims 2 and 9.

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1 Vin et al. in view of Ahuja et al does not explicitly teach a call selector enabling a participant to select N, the maximum number of calls supported by the AV manager, calls from M possible calls.

Vin2 teaches that there is a maximum number of participants, N, which the system can support before the system performance deteriorates, and thus the number of participants should
6 be limited as to not to exceed N (Para. 4.1 and 5.1). It follows, then, that there should be means to limit the number of participant when request to participate exceeds N, and that the decision should be made by someone, such as the presenter (Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means to limit the maximum number of participants as taught by Vin2 in the
11 teleconferencing system taught by Vin in view of Ahuja in order to avoid performance degradation of the system.

7. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vin et al in view of Bales et al., US Patent 5,373,549.

Vin teaches the invention substantially as claimed as explained above in paragraph 3 in
16 connection with rejections of claims 2 and 9.

Vin does not explicitly teach the hold selection mechanism, the disconnection mechanism or the add participant selection mechanism.

Bales teaches a teleconference system in which a participants can add (Fig. 6, Col. 6, lines 12-53) or disconnect (Col. 8, lines 3-40) or put on hold (Fig. 15, # 1524, 1525, 1526 and 1527

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and Col. 9, lines 18-39, Col. 9, lines 60-Col. 10, line 3), a participant (See also Abstract, Figs. 5, 10 and 11).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent:	Issued:	Inventor:	Filed:
5,195,087	Mar 93	Bennett et al.	Jul 92
5,195,086	Mar 93	Baumgartener et al.	Apr 90
4,953,159	Aug 90	Hayden et al.	Jan 89
5,422,883	Jun 95	Hauris et al.	Oct 92

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ki Kim whose telephone number is (703) 305-3872, and whose E-mail Address is ki.kim@uspto.gov. The examiner can be normally be reached Monday through Friday from 7:00 AM to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Thomas C. Lee, can be reached at (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

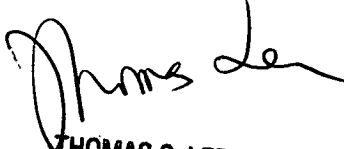
(703)308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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1 Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

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11 Ki Kim
January 6, 1998


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SUPERVISORY PATENT EXAMINER
GROUP 2700